

Message Text

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ACTION IO-10

INFO OCT-01 EUR-12 EA-06 ISO-00 AF-04 ARA-06 NEA-06 RSC-01

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R 050059Z DEC 74

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TO SECSTATE WASHDC 8175

INFO AMEMBASSY BUCHAREST

AMEMBASSY CANBERRA

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C O R R E C T E D C O P Y - T E X T - P A R A N B R E D T H R E E

E.O. 11652: N/A

TAGS: PFOR UNGA RO AS

SUBJ: ROMANIAN ITEM: STRENGTHENING ROLE OF UN (SOR)

REF: USUN 5654

1. AUSTRALIA HAS SUBMITTED ITS RESOLUTION ON "PEACEFUL SETTLEMENT ON INTERNATIONAL DISPUTES" TO SECRETARIAT AND IT IS EXPECTED THAT IT WILL BE CIRCULATED 5 DEC. AUSTRALIANS PRECEIVE SOVIET BLOC VOTING AGAINST RES AND POSSIBLY FIVE OR MORE ABSTENTIONS FROM COUNTRIES SUCH AS KENYA AND INDONESIA WHO HAVE SOME SPECIFIC DIFFICULTIES. FRANCE WILL PROBABLY ABSTAIN BECAUSE OF ICJ ASPECT. AUSTRALIANS EXPECT WELL OVER 100 "YES" VOTES. RES WILL BE SUBMITTED UNDER SOR ITEM BUT VOTED SEPARATELY ON 6 DEC.

2. BEGIN TEXT:

PEACE FUL SETTLEMENT OF INTERNATIONAL DISPUTES

NOTING THAT THE CHARTER OBLIGES MEMBER STATES TO SETTLE
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THEIR INTERNATIONAL DISPUTES BY PEACEFUL MEANS IN SUCH A MANNER

THAT INTERNATIONAL PEACE AND SECURITY, AND JUSTICE ARE NOT
ENDANGERED;

RECALLING IN PARTICULAR THAT THE SECURITY COUNCIL IS CHARGED
UNDER THE TERMS OF ARTICLE 24 OF THE CHARTER WITH PRIMARY
RESPONSIBILITY FOR THE MAINTENANCE OF INTERNATIONAL
PEACE AND SECURITY, AND THAT
DISPUTES MAY BE BROUGHT TO THE ATTENTION OF THE SECURITY
COUNCIL FOR THE PURPOSES OF PEACEFUL SETTLEMENT UNDER THE
PROVISIONS OF CHAPTER 6 OF THE CHARTER;

RECALLING ALSO THAT ARTICLE 33 OF THE CHARTER DIRECTS THAT
PARTIES TO ANY DISPUTE, THE CONTINUATION OF WHICH IS LIKELY
TO ENDANGER THE MAINTENANCE OF INTERNATIONAL PEACE AND
SECURITY, SHALL FIRST OF ALL SEEK A SOLUTION BY NEGOTIATION,
ENQUIRY, MEDIATION, CONCILIATION, ARBITRATION, JUDICIAL
SETTLEMENT, RESORT TO REGIONAL AGENCIES OR ARRANGEMENTS,
OR OTHER PEACEFUL MEANS OF THEIR OWN CHOICE;

RECALLING FURTHER THAT THE INTERNATIONAL COURT OF JUSTICE IS
THE PRINCIPAL JUDICIAL ORGAN OF THE UNITED NATIONS AND, AS
SUCH, IS AVAILABLE TO MEMBERS FOR THE SETTLEMENT OF LEGAL DISPUTES;
THAT THE INTERNATIONAL COURT OF JUSTICE HAS RECENTLY AMENDED ITS
RULES OF COURT WITH A VIEW TO SIMPLIFYING ITS PROCEDURE SO
AS TO AVOID DELAYS AND SIMPLIFY HEARINGS, AND THAT THE INTERNATIONAL
COURT OF JUSTICE MAY ESTABLISH CHAMBERS TO HEAR AND DETERMINE
CASES BY SUMMARY PROCEDURE ALLOWING FOR THE SPEEDIEST
POSSIBLE SETTLEMENT OF DISPUTES;

MINDFUL OF THE EXISTENCE OF OTHER FACILITIES AND MACHINERY
AVAILABLE FOR THE SETTLEMENT OF DISPUTES BY MEDIATION,
CONCILIATION, ARBITRATION OR JUDICIAL SETTLEMENT, INCLUDING
THE PERMANENT COURT OF ARBITRATION AT THE HAGUE AND ESTABLISHED
REGIONAL AGENCIES OR ARRANGEMENTS;

REAFFIRMING THAT RECOURSE TO PACIFIC SETTLEMENT OF INTER-
NATIONAL DISPUTES SHALL IN NO WAY CONSTITUTE AN UNFRIENDLY ACT
BETWEEN STATES;

MINDFUL ALSO OF THE CONTINUING THREAT TO INTERNATIONAL
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PEACE AND SECURITY POSED BY SERIOUS DISPUTES OF VARIOUS KINDS
INCLUDING BOUNDARY AND OTHER TERRITORIAL DISPUTES AND THE NEED
FOR EARLY ACTION TO RESOLVE SUCH DISPUTES BY RESORT IN THE FIRST
INSTANCE TO THE MEANS RECOMMENDED IN ARTICLE 33 OF THE CHARTER;

1. DRAWS THE ATTENTION OF STATES TO ESTABLISHED
MACHINERY FOR THE PACIFIC SETTLEMENT OF
INTERNATIONAL DISPUTES,

2. URGES MEMBER STATES NOT ALREADY PARTIES TO INSTRUMENTS ESTABLISHING THE VARIOUS FACILITIES AND MACHINERY AVAILABLE FOR THE PEACEFUL SETTLEMENT OF DISPUTES TO CONSIDER BECOMING PARTIES TO SUCH INSTRUMENTS AND, IN THE CASE OF THE INTERNATIONAL COURT OF JUSTICE, RECOGNISES THE DESIRABILITY THAT STATES STUDY THE POSSIBILITY OF ACCEPTING, WITH A S FEW RESERVATIONS AS POSSIBLE, THE COMPULSORY JURISDICTION OF THE COURT IN ACCORDANCE WITH ARTICLE 36 OF THE STATUTE OF THE COURT,

3. CALLS UPON MEMBER STATES TO MAKE FULL USE AND SEEK IMPROVED IMPLEMENTATION OF THE MEANS AND METHODS PROVIDED FOR IN THE CHARTER AND ELSEWHERE FOR THE EXCLUSIVELY PEACEFUL SETTLEMENT OF ANY DISPUTE OR ANY SITUATION, THE CONTINUANCE OF WHICH IS LIKELY TO ENDANGER THE MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY, INCLUDING NEGOTIATION, ENQUIRY, MEDIATION, CONCILIATION, ARBITRATION, JUDICIAL ARRANGEMENTS, SETTLEMENT RESORT TO REGIONAL AGENCIES OR ARRANGEMENTS, GOOD OFFICES INCLUDING THOSE OF THE SECRETARY-GENERAL, OR OTHER PEACEFUL MEANS OF THEIR OWN CHOICE,

4. REQUESTS THE SECRETARY-GENERAL TO PREPARE AN UP-TO-DATE REPORT ON THE IMPLEMENTATION OF THE PROVISIONS OF THE CHARTER RELATING TO THE PEACEFUL SETTLEMENT OF INTERNATIONAL DISPUTES, INVITING HIS ATTENTION IN PARTICULAR TO THE FOLLOWING RESOLUTIONS:

(A) RESOLUTION 263(III) ESTABLISHING LIMITED OFFICIAL USE

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A PANEL FOR ENQUIRY AND CONCILIATION;

(B) RESOLUTION 377(V) ESTABLISHING A PEACE OBSERVATION COMMISSION,

(C) RESOLUTION 1262(XIII) CONSIDERING THE QUESTION OF ESTABLISHING ARBITRAL PROCEDURE FOR SETTLING DISPUTES;

(D) RESOLUTION 2329(XXII) ESTABLISHING A UNITED NATIONS REGISTER OF EXPERTS FOR FACT-FINDING,

(E) RESOLUTION 2625(XXV) APPROVING THE DECLARATION ON PRINCIPLES OF INTER-

NATIONAL LAW CONCERNING FRIENDLY RELATIONS
AND CO-OPERATION AMONG STATES IN
ACCORDANCE WITH THE CHARTER,

5. INVITES THE ATTENTION OF THE SECURITY COUNCIL, THE
SPECIAL COMMITTEE ON PEACEKEEPING, THE INTERNATIONAL
COURT OF JUSTICE AND THE SECRETARY-GENERAL TO THIS
RESOLUTION."
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